

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

TIMOTHY J. PELTON,

Plaintiff,

v.

KILOLO KIJAKAZI

Commissioner of the Social Security  
Administration,

Defendant.

No. 4:21-CV-0124-NAB

**MEMORANDUM AND ORDER**

This case is before the Court on Commissioner Kilolo Kijakazi's ("the Commissioner's") Motion to Reverse and Remand the case to the Commissioner for further administrative action pursuant to sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g). (Doc. 32). Plaintiff has no objection to the Commissioner's motion. (Doc. 33.) The parties have consented to the jurisdiction of the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(c)(1). (Doc. 10).

On February 1, 2021, Plaintiff filed a Complaint seeking review of the Commissioner's decision that Plaintiff was not under a disability within the meaning of the Social Security Act. (Doc. 1). The Commissioner filed the transcript of the administrative proceedings on July 7, 2021. (Doc. 18). Plaintiff filed his brief in support of the Complaint on November 5, 2021. (Doc. 27.)

On February 2, 2022, the Commissioner filed the instant motion to reverse and remand the case to the Commissioner for further action under sentence four of section 205(g) of the Social Security Act, which permits the Court "to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner, with or without remanding the cause for a rehearing." 42 U.S.C. § 405(g). The Commissioner represents in the motion

that upon review of the record, agency counsel determined that remand was necessary for further evaluation of Plaintiff's claim. The Commissioner states that "[o]n remand, the Commissioner will fully evaluate the medical opinion and other record evidence in accordance with 20 C.F.R. §§ 404.1527, 416.927; offer the claimant the opportunity for a hearing; take further action to complete the administrative record; and issue a new decision." (Doc. 32.)

Upon review of Plaintiff's Complaint, the ALJ's decision, and the Commissioner's motion, the Court agrees that this case should be reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g).

Accordingly,

**IT IS HEREBY ORDERED** that the Commissioner's Motion to Reverse and Remand (Doc. 32) is **GRANTED**.

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that decision of the Commissioner of Social Security is **REVERSED** and that this case is **REMANDED** under Sentence Four of 42 U.S.C. § 405(g) for reconsideration and further proceedings consistent with this opinion.



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NANNETTE A. BAKER  
UNITED STATES MAGISTRATE JUDGE

Dated this 11th day of February, 2022.